

**IN THE DISTRICT COURT
FOR THE UNITED STATES OF AMERICA
WESTERN DISTRICT OF TENNESSEE**

ISSACCA POWELL,
individually and as representatives
of a class of all similarly situated individuals,

Plaintiffs,

vs.

**CAUSE NO.: 2:16-cv-2907
Jury Trial Requested**

BILL OLDHAM,
Sheriff of Shelby County,
individually and in his official capacity,

Defendant.

**DEFENDANT SHERIFF BILL OLDHAM'S COMBINED SECOND MOTION AND
SUPPORTING MEMORANDUM FOR EXTENSION OF TIME TO ANSWER OR
OTHERWISE RESPOND TO THE COMPLAINT**

Defendant Sheriff Bill Oldham ("Sheriff Oldham"), pursuant to FED. R. CIV. P. 6 and 12 and other applicable provisions of law, moves the Court to extend to March 8, 2017, his time to answer or otherwise respond to the Class Action Complaint from Civil Rights Damages ("Complaint") filed by Plaintiff Issacca Powell ("Plaintiff"). In support of his Motion, Sheriff Oldham states as follows:

MEMORANDUM OF FACTS AND LAW IN SUPPORT OF MOTION

1. Sheriff Oldham filed his first Motion for Extension of Time on December 20, 2016.
(Doc. 17)

2. The Court granted Sheriff Oldham until February 6, 2017 to file a responsive pleading. (Doc. 18)¹

3. This is a complex class action lawsuit filed on behalf of the plaintiff.

4. Shelby County, Tennessee retained Wyatt, Tarrant & Combs, LLC (“Wyatt”) on January 13, 2017.

5. The additional time is needed for Wyatt to have an opportunity to discuss this matter with its client and obtain a full understanding of the facts.

6. The additional time is needed for Wyatt to review and analyze the Plaintiff’s allegations in this lawsuit.

7. Pursuant to Local Rule 7.2(a)(1)(B), counsel for Sheriff Oldham consulted with Plaintiff’s counsel regarding this extension.

8. Plaintiff’s counsel does not have a position regarding Sheriff Oldham’s Second Request for Extension of time.

9. This Second Motion for Extension of Time is not intended to delay the Plaintiff’s lawsuit.

10. A proposed Order granting the Motion will be e-mailed to the Court for its consideration.

Therefore, Sheriff Oldham respectfully request that the Court extend to March 8, 2017, his time to answer or otherwise respond to the Complaint filed by the Plaintiff.

¹The Scheduling Conference in this lawsuit is set for February 22, 2017 at 9:00 a.m.

Respectfully submitted,

/s/Odell Horton, Jr.
Odell Horton, Jr. (# 12426)
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Attorney for Defendant

CERTIFICATE OF SERVICE

I certify that the foregoing is being filed via the Court's ECF system this 26th day of January, 2017, for service on all persons registered in connection with this case, including:

Claiborne Ferguson, Esq.
294 Washington, Avenue
Memphis, TN 38103

I further certify that, on the same day, a copy is being served upon the following person by first class United States mail, postage prepaid:

Joshua Spickler, Esq.
902 South Cooper Street
Memphis, TN 38104

/s/Odell Horton, Jr.
Odell Horton, Jr.